

BILL NO. Z-88-03-20

ZONING MAP ORDINANCE NO. Z-

*Withdrawn*

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-4 (Roadside Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

TRACT I:

Part of the West Half of the Southwest Quarter of  
Section 25, Township 30 North, Range 12 East, Allen  
County, Indiana, more particularly described as  
follows, to-wit:

Beginning on the North line of said West Half, at a  
point situated 40.0 feet West of the Northeast corner  
of said West Half, said point of beginning being the  
point of intersection of said North line with the West  
line of Hanna Street as it presently exists; thence S  
00 degrees 00 minutes E, on and along said West line,  
being a line parallel to and 40.0 feet (measured at  
right angles) West of the East line of said West Half,  
a distance of 30.0 feet; thence N 89 degrees 37 minutes  
W and parallel to the North line of said West Half, a  
distance of 174.35 feet; thence S 00 degrees 07 minutes  
E and parallel to and 10.0 feet (measured at right  
angles) East of the Northerly projection of an East  
wall of an existing "bowling alley building" and said  
East wall and the Southerly projection of said East  
wall, a distance of 120.0 feet; thence N 89 degrees 37  
minutes W and parallel to said North line, a distance  
of 10.0 feet to a point situated 10.0 feet East of an  
East wall of said existing "bowling alley building";  
thence S 00 degrees 07 minutes E and parallel to and  
10.0 feet (measured at right angles) East of said East  
wall, a distance of 165.8 feet; thence S 89 degrees 58  
minutes W and parallel to and 11.0 feet (measured at  
right angles South of the South wall of said existing  
"bowling alley building", a distance of 117.7 feet;  
thence S 04 degrees 04 minutes W, a distance of 116.6  
feet to the point of intersection with the  
Northeasterly projection of the Northwesterly line of a  
tract of land recorded in Document Number 74-16931 in  
the Office of the Recorder of Allen County, Indiana;  
thence S 42 degrees 31.1 minutes W, on and along said  
Northeasterly projection, said Northwesterly line and  
the Southwesterly projection of said Northwesterly  
line, a distance of 201.0 feet to the Easterly right-  
of-way line of U.S. Highway #27; thence Northwesterly,  
on and along said Easterly right-of-way line, being a

1 regular curve to the right having a radius of 3732.72  
2 feet, said Easterly right-of-way line, also being  
3 concentric to and 87.0 feet (measured radially)  
4 Northeasterly of the centerline of said U.S. Highway  
5 #27, an arc distance of 487.20 feet (the chord of which  
6 bears N 35 degrees 36 minutes 30 seconds W for a length  
7 of 486.54 feet); thence S 89 degrees 37 minutes E and  
8 parallel to said North line, a distance of 165.86 feet;  
9 thence N 00 degrees 00 minutes W, a distance of 188.4  
10 feet to said North line; thence S 89 degrees 37 minutes  
11 E, on and along said North line, being also the South  
12 line of an Indiana and Michigan Electric Company right-  
13 of-way in said Section, a distance of 563.0 feet to the  
14 point of beginning, containing 4.507 acres of land,  
15 more or less.

16 TRACT II:

17 Part of the West Half of the Southwest Quarter of  
18 Section 25, Township 30 North, Range 12 East, Allen  
19 County, Indiana, more particularly described as  
20 follows, to-wit:

21 Beginning on the North line of said West Half at a  
22 point situated 603.0 feet, N 89 degrees 37 minutes W  
23 (deed bearing and is used as the basis for the bearings  
24 in this description) from the Northeast corner of said  
25 West Half; thence N 89 degrees 37 minutes W, on and  
26 along said North line, a distance of 275.9 feet to the  
27 point of intersection of said North line with the  
28 Easterly right-of-way line of U.S. Highway #27; thence  
29 Southeasterly, on and along said Easterly right-of-way  
30 line, as defined by the arc of a regular curve to the  
31 left having a radius of 3732.72 feet, an arc distance  
32 of 218.85 feet, being subtended by a long chord having  
a length of 218.82 feet and a bearing of S 30 degrees  
11 minutes 30 seconds E; thence S 89 degrees 37 minutes  
E and parallel to said North line, a distance of 165.86  
feet; thence N 00 degrees 00 minutes W and parallel to  
the East line of said West Half, a distance of 188.4  
feet to the point of beginning, containing 0.961 acres  
of land, more or less.

TRACT III:

Part of the West Half of the Southwest Quarter of  
Section 25, Township 30 North, Range 12 East, Allen  
County, Indiana, more particularly described as  
follows, to-wit:

Beginning on the North line of said West Half at a  
point situated 40.0 feet, N 89 degrees 37 minutes W  
from the Northeast corner of said West Half, said point  
of beginning being the point of intersection of said  
North line with the West right-of-way line of Hanna  
Street as it presently exists; thence S 00 degrees 00  
minutes E, on and along said West right-of-way line,  
being a line parallel to and 40.0 feet (measured at  
right angles) West of the East line of said West Half,  
a distance of 30.0 feet to the true point of beginning;  
thence N 89 degrees 37 minutes W and parallel to the  
North line of said West Half, a distance of 174.35  
feet; thence S 00 degrees 07 minutes E and parallel to  
and 10.0 feet (measured at right angles) East of the

1 Northerly projection of an East Wall of an existing  
2 building, said East wall and the Southerly projection  
3 of said East wall, a distance of 120.0 feet; thence N  
4 89 degrees 37 minutes W and parallel to said North  
5 line, a distance of 10.0 feet to a point situated 10.0  
6 feet East of an East wall of said existing building;  
7 thence S 00 degrees 07 minutes E and parallel to and  
8 10.0 feet (measured at right angles) East of said East  
9 wall, a distance of 165.8 feet; thence S 89 degrees 58  
10 minutes W and parallel to and 11.0 feet (measured at  
11 right angles) South of the South wall of said existing  
12 building, a distance of 117.7 feet; thence S 04 degrees  
13 04 minutes W, a distance 116.6 feet to the point of  
14 intersection with the Northeasterly projection of the  
15 Northwesterly line of a tract of land recorded in  
Document Number 74-16931 in the Office of the Recorder  
of Allen County, Indiana; thence S 42 degrees 31.1  
minutes W, on and along said Northeasterly projection,  
a distance of 30.0 feet to the Northernmost corner of  
said tract in Document Number 74-16931; thence S 47  
degrees 06 minutes E, on and along the Northeasterly  
line of the aforesaid tract on and along the  
Northeasterly line of certain 0.89 acre tract, a  
distance of 450.5 feet (recorded 450.0 feet) to the  
Northeast corner of said 0.89 acre tract, being a point  
on the West right-of-way line of said Hanna Street;  
thence N 00 degrees 00 minutes W, on and along said  
West right-of-way line, a distance of 729.7 feet to the  
true point of beginning, containing 3.318 acres of  
land, more or less.

16 and the symbols of the City of Fort Wayne Zoning Map No.

17 N-27, as established by Section 11 of Chapter 33 of the Code  
18 of the City of Fort Wayne, Indiana are hereby changed  
19 accordingly.

20 SECTION 2. That this Ordinance shall be in full force  
21 and effect from and after its passage and approval by the  
22 Mayor.

23 Janet G. Bradbury  
Councilmember

24 APPROVED AS TO FORM AND LEGALITY:

25 J. Timothy McCaulay  
26 J. TIMOTHY MCCAULAY, CITY ATTORNEY  
27  
28  
29  
30  
31  
32

DATE: 3-22-88

DATE: \_\_\_\_\_

PAUL HELMKE, MAYOR

# RECEIPT

No 2757

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 2-18 1988

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 50.00

DOLLARS

100

AUTHORIZED SIGNATURE

# PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

~~XX~~We Robert L. Schmitt and Kathryn L. Schmitt, husband and wife  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a ~~xxx~~ B-1-B District to a ~~xxx~~ B-4 District the property described as follows:

See Attached

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6700 U.S. 27 South, Fort Wayne, Indiana 46816

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Robert L. Schmitt

4502 Williamsburg Ct.

Robert L. Schmitt

Kathryn L. Schmitt

Fort Wayne, IN 46804

Kathryn L. Schmitt

4502 Williamsburg Ct.

Fort Wayne, IN 46804

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

## NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Paul B. McNellis, Esq.  
(Name)

2100 Ft. Wayne Bank Bldg.  
Fort Wayne, Indiana 46802  
(Address & Zip Code)

(219) 424-8223  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

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TRACT II:

Part of the West Half of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the North line of said West Half at a point situated 603.0 feet, N 89 degrees 37 minutes W (deed bearing and is used as the basis for the bearings in this description) from the Northeast corner of said West Half; thence N 89 degrees 37 minutes W, on and along said North line, a distance of 275.9 feet to the point of intersection of said North line with the Easterly right-of-way line of U. S. Highway #27; thence Southeasterly, on and along said Easterly right-of-way line, as defined by the arc of a regular curve to the left having a radius of 3732.72 feet, an arc distance of 218.85 feet, being subtended by a long chord having a length of 218.82 feet and a bearing of S 30 degrees 11 minutes 30 seconds E; thence S 89 degrees 37 minutes E and parallel to said North line, a distance of 165.86 feet; thence N 00 degrees 00 minutes W and parallel to the East line of said West Half, a distance of 188.4 feet to the point of beginning, containing 0.961 acres of land, more or less.

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# DESCRIPTION

## Parcel "A"

Part of the West Half of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the North line of said West Half at a point situated 603.0 feet, N 89°-37' W (deed bearing and used as the basis for the bearings in this description) and along said North line, a distance of 218.65 feet to the point of intersection of said North line with the Eastern right-of-way line of U.S. Highway #271 thence Southerly, on and along said Eastern right-of-way line, as defined by the arc of a regular curve to the left having a radius of 6732.72 feet, an arc length of 218.65 feet and a bearing of S 30°-11'-30" E; thence S 89°-37' E and parallel to said North line, a distance of 165.66 feet; thence N 00°-00' W and parallel to the East line of said West Half, a distance of 168.4 feet to the point of beginning, containing 0.361 acres of land, subject to an easement for drainage purposes over the westerly 40 feet thereof and subject to all other easements of record.

TOGETHER WITH an easement for ingress and egress over the North 30.0 feet of the West Half of the East 603.0 feet of the West Half of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana.

## Parcel "B"

Part of the West Half of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

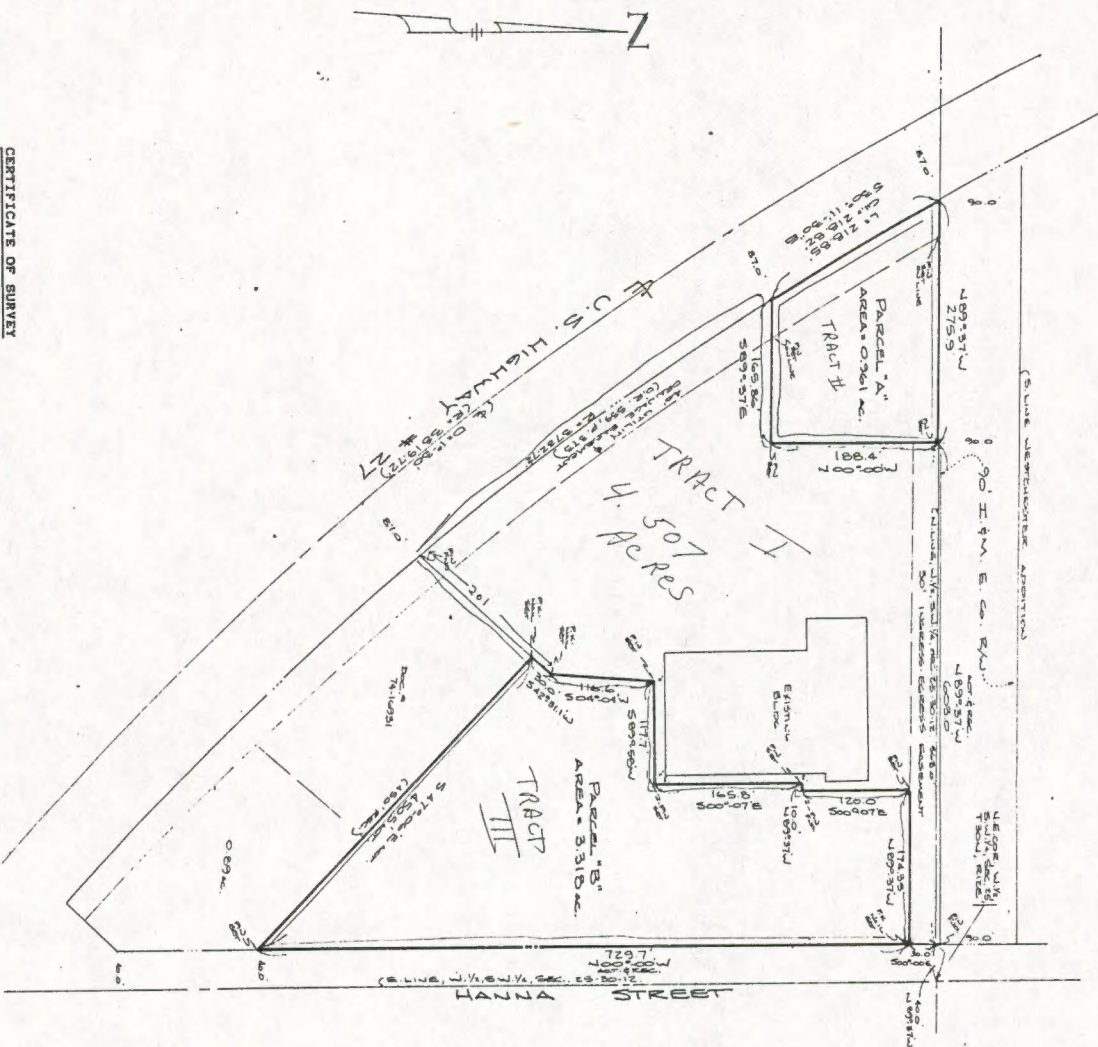
Beginning on the North line of said West Half at a point situated 40.0 feet N 89°-37' E to the Northeast corner of said West Half, said point being the point of intersection of said North line with the West right-of-way line of Hanna Street as it presently exists; thence S 00°-00' E, on and along said West right-of-way line, being a line parallel to and 40.0 feet (measured at right angles) West of the East line of said West Half, a distance of 30.0 feet to the true point of beginning; thence N 89°-37' W and parallel to the North line of said West Half, a distance of 174.35 feet; thence S 00°-00' E and parallel to and 10.0 feet (measured at right angles) East of the Northernly projection of an East wall of an existing building, said East wall and the Southernly projection of said East wall, a distance of 10.0 feet to a point situated 10.0 feet East of said East wall, a distance of 10.0 feet to a point situated 10.0 feet East of said East wall, a distance of 10.0 feet (measured at S 89°-37' W and parallel to and 11.0 feet (measured at right angles) South of the South wall of said existing building, a distance of 117.7 feet; thence S 04°-04' W, a distance of 116.6 feet to the point of intersection with the Northernly projection of the Northernly line of a tract of land recorded in Document #74-16931 in the Office of the Recorder of Allen County, Indiana; thence S 42°-31.1' W, on and along said Northernly projection, a distance of 30.0 feet to the Northernmost corner of said tract in Document #74-16931; thence S 47°-06' E, on and along the Northernly line of the aforesaid tract and on and along the Northernly line of the 0.89 acre tract, a distance of 450.5 feet (recorded 450.0 feet to the Northeast corner of said 0.89 acre tract; thence N 00°-00' W, on and along said West right-of-way line, a distance of 729.7 feet to the true point of beginning, containing 3.318 acres of land, subject to all easements of record.

This property is in Zone C according to Flood Insurance Rate Map 180003 0010 B, effective April 3, 1985.

# CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and its recording with the recorder or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

I hereby certify that the above survey is correct.



PART OF THE WEST HALF OF THE	
SOUTHWEST QUARTER OF SECTION 25,	
T30N, R12E, ALLEN COUNTY, INDIANA.	
SCALE: 1"=100'	DRAWN BY: J.C.S.
DATE: 10/28/84	APPROVED BY:
FOR: FARMER UNION NATIONAL BANK, TOWNSHIP	
BY: J.C. SALTER ASSOCIATES, INC.	
DRAWING NUMBER: DT-156A	

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 33, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-03-20: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

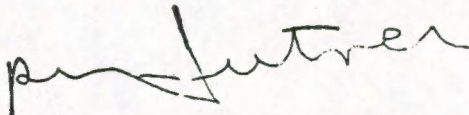
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1988.

Certified and signed this  
9th day of August 1988.

A handwritten signature in cursive script, appearing to read "Robert Hutner", written over a horizontal line.

Robert Hutner  
Secretary

CDP#328

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 6700 U.S. 27 South

2-88-03-20

EFFECT OF PASSAGE Property is presently zoned B-1-B - Limited Business District.

Property will become B-4 - Roadside Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business

District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

# Division of Community Development & Planning

## BRIEF TITLE

Zoning Ordinance Amendment

## APPROVAL DEADLINE

## REASON

From B-1-B to B-4

## DETAILS

## Specific Location and/or Address

6700 U.S. 27 South

## Reason for Project

Miniature Golf Course

## Discussion (Including relationship to other Council actions)

Paul McNellis, attorney representing the petitioners spoke with staff prior to the scheduled public hearing of March 21, 1988. Staff recommendation to the Commission was do not pass for the requested rezoning. Staff did however recommend that Mr. McNellis request a Use Variance on the property before the Board of Zoning Appeals. At that time Mr. McNellis deferred the public hearing on the rezoning until they could apply and have their request heard by the Board of Zoning Appeals.

The Board of Zoning Appeals approved a Use Variance for the property allowing a miniature golf course on April 28, 1988.

Staff received a letter from Mr. McNellis on July 27, 1988 requesting that this rezoning be withdrawn.

## POSITIONS

## RECOMMENDATIONS

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

## Applicant(s)

Robert &amp; Kathryn Schmitt

City Department

Other

## Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation☐ For☒ Against

Reason Against

Board or  
Commission  
Recommendation

By

☐ For☐ Against☐ No Action Taken
☐ For with revisions to conditions  
(See Details column for conditions)
CITY COUNCIL  
ACTIONS  
(For Council  
use only)☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass

**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

**Project Start**

**Date** 18 February 1988

**Projected Completion or Occupancy**

**Date** 9 August 1988

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** 9 August 1988

**Reviewed by**  
*Greg Burt*  
**Reference or Case Number**

**Date** *15 August 1988*

BILL NO. Z-88-03-20

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City  
of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION) be withdrawn

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
Mark E. GiaQuinta CHAIRPERSON  
Charles B. Redd MARK E. GIAQUINTA  
VICE CHAIRMAN  
CHARLES B. REDD

David C. Long DAVID C. LONG  
Paul M. Burns PAUL M. BURNS

CONCURRED IN 9-13-88

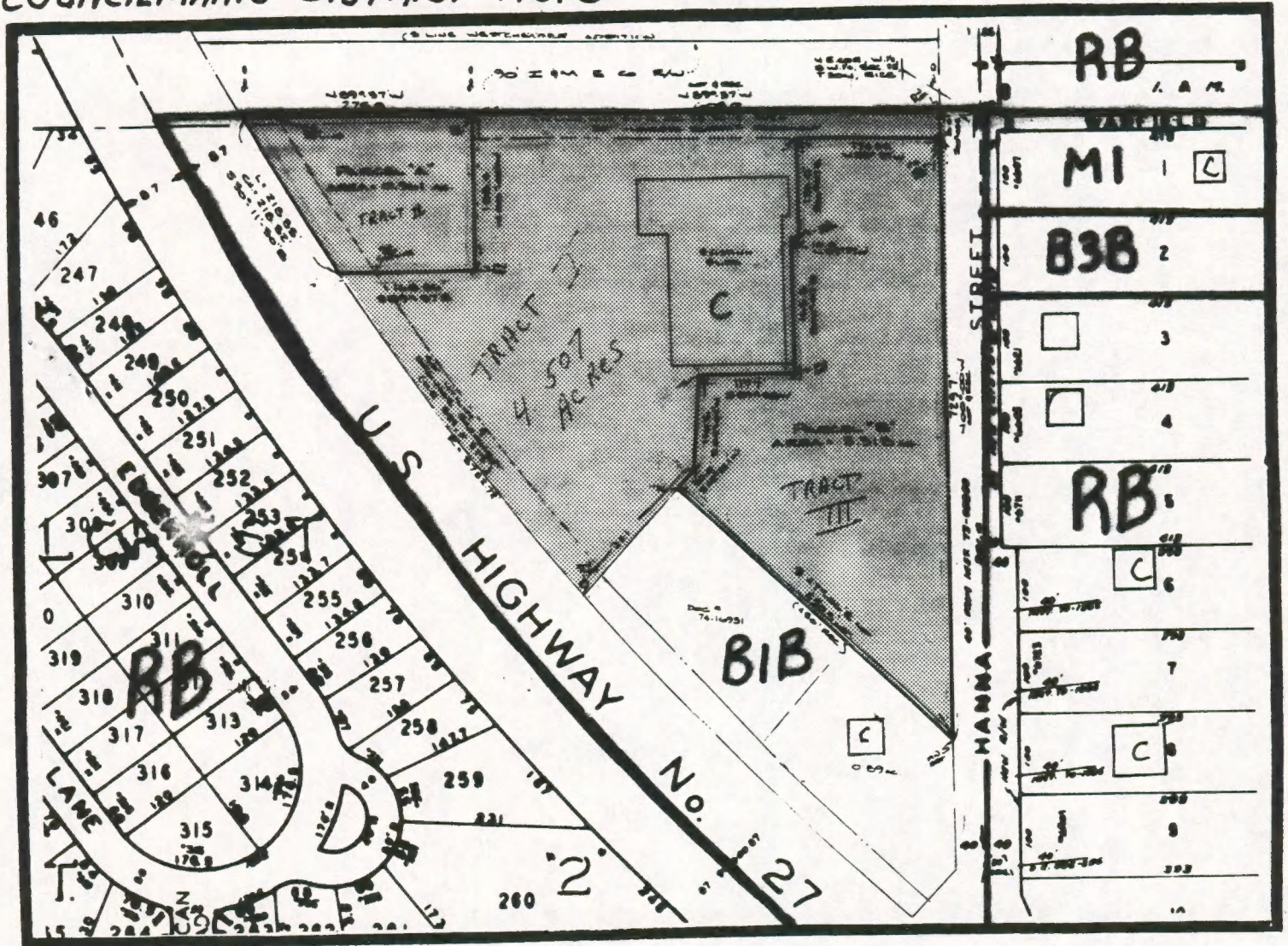
Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk

# REZONING PETITION #348

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A BIB DISTRICT TO A B4 DISTRICT.

MAP NO. N-27

COUNCILMANIC DISTRICT NO. 5



## ZONING:

BIB LIMITED BUSINESS 'B'  
RB RESIDENCE 'B'  
B3B GENERAL BUSINESS 'B'  
MI LIGHT INDUSTRY

## LAND USE:

☐ SINGLE FAMILY  
☒ COMMERCIAL

SCALE: 1"=200'

DATE: 2-29-88

